14 April 2004

Original: English

Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel
12-16 April 2004

Proposal by New Zealand

Revised proposal for an instrument expanding the scope of legal protection under the 1994 Convention for the Safety of United Nations and Associated Personnel

The States Parties to this Protocol,

Recalling the terms of the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994,

Deeply concerned over the continuing pattern of attacks against United Nations and associated personnel,

Conscious of the particular risks faced by personnel engaged in United Nations operations conducted for the purposes of delivering humanitarian, political and development assistance, including in humanitarian emergencies and in conflict and post-conflict situations,

Convinced of the need to have in place an effective regime to ensure that the perpetrators of attacks against United Nations and associated personnel engaged in United Nations operations are brought to justice,

Have agreed as follows:

Article I
Relationship

This Protocol supplements the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994 (hereinafter referred to as "the Convention"), and as between the parties to this Protocol the Convention and the Protocol shall be read and interpreted together as a single instrument.

Article II
Application of the Convention to United Nations operations

1. The Parties to this Protocol shall, in addition to those operations defined in article 1(c) of the Convention, apply the Convention in respect of all United Nations operations established pursuant to a standing or specific mandate of a United Nations competent organ consistent with the Charter of the United Nations and conducted under United Nations authority and control for the purposes of delivering humanitarian, political or development assistance.

2. A Party to this Protocol shall not be required to apply article X(1) of the Protocol in respect of any permanent United Nations office, such as headquarters of the Organization or its specialized agencies, established in its territory under an agreement with the United Nations.

Article III

The duty of a State Party to the Convention under article 8 shall be without prejudice to the right of a host or transit State, where provided by any agreement concluded under article 4 of the Convention, to take lawful action in the exercise of its national jurisdiction over any United Nations or associated personnel who violates the laws and regulations of that State.

Article IV
Signature

This Protocol shall be open for signature by all States at United Nations Headquarters for the twelve months from x/x/xxxx to x/x/xxxx.

Article V
Consent to be bound

1. This Protocol shall be subject to ratification by the signatory States. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. Any State that is not a State Party to the Convention may ratify this Protocol if at the same time it ratifies or accedes to the Convention in accordance with article 25 thereof.

3. This Protocol shall, after it has entered into force, be open for accession by any non-signatory State. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

[*Final clauses to be inserted*]

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Revised proposal by Costa Rica

Add the following paragraph to the existing paragraph under the heading "New article 1 bis" of the proposal by Costa Rica contained in document A/C.6/58/L.16, annex I, section A.

> The parties to this Protocol shall not apply the Convention in respect of any acts governed by international humanitarian law, performed during an armed conflict and directed against any United Nations or associated personnel who are not entitled to the protection given to civilians under the international law of armed conflict.

04-30924 (E)

15 April 2004

Original: English

Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel
12-16 April 2004

Revised proposal by Costa Rica

Corrigendum

Replace the opening paragraph of document A/AC.264/2004/DP.2 with the following:

> Revised text on the relationship between the 1994 Convention and international humanitarian law:

04-31163 (E)